

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DeSHAUN CARTER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 2:07cv988-WKW
)	
DAEHAN SOLUTIONS,)	
)	
Defendant.)	

ORDER ON MOTIONS

On May 8, 2008, Defendant filed a Motion for Protective Order (Doc. #24), and then filed a Motion to Seal (Doc. #25) the following day. These motions have been referred to the undersigned for disposition. On May 16, 2008, Plaintiffs filed a response opposing Defendant's motion for a protective order. Upon consideration of the motions and Plaintiff's response, the Court is persuaded by Plaintiffs's argument that withholding the discovery would equate to trial by ambush. Moreover, as Defendant concedes, the Federal Rules of Civil Procedure entitle a party to obtain the person's own previous statements. Fed. R. Civ. P. 26(b)(3). As Defendant may still use the discovery for impeachment purposes, it is

ORDERED that Defendant's Motions (Doc. #24, #25) are DENIED.

Done this 19th day of May, 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

